

Serial No.: 10/034,028  
Response to OA of 02/24/2006

### **Remarks**

In the present response, four claims (1, 12, 13, and 23) are amended. No new matter is entered. Claims 1-23 are presented for examination.

#### **I. Claim Rejections: 35 USC § 103**

Claims 1-23 are rejected under 35 USC § 103(a) as being unpatentable over USPN 6,760,413 (hereafter Cannon) in view of USPN 6,647,107 (hereafter Horrer). Applicants respectfully traverse.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143.

Applicants assert that the rejection does not satisfy the criteria M.P.E.P. § 2143. Applicants provide examples of these deficiencies with regard to the independent claims (1, 12, 13, & 23). Other deficiencies exist as well, and Applicants do not waive the right to assert such deficiencies.

#### **Claim 1**

Claim 1 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 1 recites (emphasis added):

associated with said call-processing means, sensing means for sensing real-time activity of plural persons that are proximate the sensing means and for providing real-time information signals indicative of said real-time activity to said call-processing means, wherein said call-processing means conveys said information signals to a caller on a call into said input-output port prior to putting the call through to said telecommunications device.

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The Office Action admits that Cannon does not teach these two elements (see OA at p. 2-3). Applicants agree with this admission. The Office Action, however, attempts to cure these deficiencies with Horrer. Applicants respectfully disagree.

Horrer teaches "a database that can store information regarding the called person 26 such as the called person's employer and address or the called person's work schedule" (3: 46-50). Horrer repeatedly teaches that this information is provided to a human secretary, not the caller:

Still another important technical advantage is the present invention provides the human secretary with information from a called-person database. (2: 50-51).

The human secretary receives information from the called-person database 22 through the Generic Secretary software program 28 on the PBX 16. (3: 54-56).

After the information regarding the called-person 26 has been extracted from the called-person database 22, the incoming telephone call 14, the status of the called person's phone line, and the information from the called-person database 22 can be forwarded to the human secretary 18 at step 44. (4: 39-44).

Thus, Horrer expressly teaches that information about the person being called is stored in a database and sent to the secretary, not the caller. By contrast, claim 1 recites that information about the person being called is conveyed to the caller: "wherein said call-processing means conveys said information signals to a caller on a call into said input-output port prior to putting the call through to said telecommunications device."

For at least these reasons, claim 1 and its dependent claims are allowable over Cannon in view of Horrer.

As yet another example, claim 1 recites "sensing means for sensing real-time activity of plural persons that are proximate the sensing means." As previously

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noted, the Office Action admits that Cannon does not teach this recitation. The issue is whether Horrer teaches or suggests this recitation. Horrer does not.

As shown in FIG. 2, Horrer teaches a system that can determine if a called person's line is busy (see element 51). Horrer does not teach a sensing means that senses "activity of plural persons that are proximate the sensing means." By contrast, the system in Horrer merely determines if a phone line is busy. Activity of plural persons proximate a sensing means is never taught or suggested in Horrer.

For at least these reasons, claim 1 and its dependent claims are allowable over Cannon in view of Horrer.

#### **Claim 12**

Claim 12 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 12 recites a storage device that collects "identities of plural people proximate said telecommunications device." Cannon in view of Horrer do not teach or suggest this recitation.

Cannon teaches that a person answering a phone can be identified with fingerprint identification or voice recognition (see Cannon at 3: 30-34 and 5: 31-34). Nowhere does Cannon teach or suggest collecting identities of plural people proximate the telecommunications device.

Horrer teaches a system that stores information about called-people in a database (3:46-50). This information is sent to a secretary (see cited locations above with claim 1). Further, Horrer teaches a system that can determines if a phone line is busy (see FIG. 2 at element 51). Nowhere does Horrer teach or suggest collecting identities of plural people proximate the telecommunications device.

For at least these reasons, claim 12 is allowable over Cannon in view of Horrer.

As yet another example, claim 12 recites processing a call from a first known location and "transmitting said data to said first known location prior to routing said incoming call to said second known location." As previously noted, the Office Action admits that Cannon does not teach this recitation. The issue is whether Horrer teaches or suggests this recitation. Horrer does not.

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Horner teaches "a database that can store information regarding the called person 26 such as the called person's employer and address or the called person's work schedule" (3: 46-50). Horner repeatedly teaches that this information is provided to a human secretary, not the caller:

Still another important technical advantage is the present invention provides the human secretary with information from a called-person database. (2: 50-51).

The human secretary receives information from the called-person database 22 through the Generic Secretary software program 28 on the PBX 16. (3: 54-56).

After the information regarding the called-person 26 has been extracted from the called-person database 22, the incoming telephone call 14, the status of the called person's phone line, and the information from the called-person database 22 can be forwarded to the human secretary 18 at step 44. (4: 39-44).

Thus, Horner expressly teaches that information about the person being called is stored in a database and sent to the secretary, not the caller. By contrast, claim 12 recites processing a call from a first known location and "transmitting said data to said first known location prior to routing said incoming call to said second known location."

For at least these reasons, claim 12 is allowable over Cannon in view of Horner.

### Claim 13

Claim 13 recites numerous recitations that are not taught or suggested in Cannon in view of Horner. For example, claim 13 recites "transmitting said real-time information to said caller prior to placing the incoming call through to the telecommunications device" (emphasis added). As previously noted, the Office Action admits that Cannon

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does not teach this recitation. The issue is whether Horrer teaches or suggests this recitation. Horrer does not.

Horrer teaches "a database that can store information regarding the called person 26 such as the called person's employer and address or the called person's work schedule" (3: 46-50). Horrer repeatedly teaches that this information is provided to a human secretary, not the caller:

Still another important technical advantage is the present invention provides the human secretary with information from a called-person database. (2: 50-51).

The human secretary receives information from the called-person database 22 through the Generic Secretary software program 28 on the PBX 16. (3: 54-56).

After the information regarding the called-person 26 has been extracted from the called-person database 22, the incoming telephone call 14, the status of the called person's phone line, and the information from the called-person database 22 can be forwarded to the human secretary 18 at step 44. (4: 39-44).

Thus, Horrer expressly teaches that information about the person being called is stored in a database and sent to the secretary, not the caller. By contrast, claim 13 recites transmitting real-time information to the caller prior to placing the incoming call through to the telecommunications device.

For at least these reasons, claim 13 and its dependent claims are allowable over Cannon in view of Horrer.

As yet another example, claim 13 recites "sensing real-time information regarding identities of persons in an environment proximate said telecommunications device." Cannon in view of Horrer does not teach or suggest this recitation.

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Cannon teaches that a person answering a phone can be identified with fingerprint identification or voice recognition (see Cannon at 3: 30-34 and 5: 31-34). Nowhere does Cannon teach or suggest sensing identities of persons in an environment proximate the telecommunications device.

Horrer teaches a system that stores information about called-people in a database (3:46-50). This information is sent to a secretary (see cited locations above with claim 1). Further, Horrer teaches a system that can determines if a phone line is busy (see FIG. 2 at element 51). Nowhere does Horrer teach or suggest sensing identities of persons in an environment proximate the telecommunications device.

For at least these reasons, claim 13 and its dependent claims are allowable over Cannon in view of Horrer.

#### Claim 23

Claim 23 recites numerous limitations that are not taught or suggested in Cannon in view of Horrer. By way of example, claim 23 recites "monitoring said first location for identities of individuals within a known proximity to said first location" (emphasis added). Nowhere does Cannon and/or Horrer teach or disclose the above-identified recitations.

Cannon teaches that a person answering a phone can be identified with fingerprint identification or voice recognition (see Cannon at 3: 30-34 and 5: 31-34). Nowhere does Cannon teach or suggest monitoring "identities of individuals within a known proximity to said first location."

Horrer teaches a system that stores information about called-people in a database (3:46-50). This information is sent to a secretary (see cited locations above with claim 1). Further, Horrer teaches a system that can determines if a phone line is busy (see FIG. 2 at element 51). Nowhere does Horrer teach or suggest "identities of individuals within a known proximity to said first location."

For at least these reasons, claim 23 is allowable over Cannon in view of Horrer.

As another example, claim 23 recites "prior to connecting said call to said telecommunications device, transmitting a signal representative of said identities of individuals to said second location using a second protocol." Nowhere does Cannon

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and/or Horrer teach or disclose the above-identified recitations. As previously noted, the Office Action admits that Cannon does not teach this recitation. The issue is whether Horrer teaches or suggests this recitation. Horrer does not.

Horrer teaches "a database that can store information regarding the called person 26 such as the called person's employer and address or the called person's work schedule" (3: 46-50). Horrer repeatedly teaches that this information is provided to a human secretary, not the caller (see Horrer at 2: 50-51; 3: 54-56; and 4: 39-44). By contrast, claim 23 recites transmitting a signal representative of said identities of individuals to said second location using a second protocol." Further, as previously noted herein, Horrer teaches a system to determine if a phone line is busy. Horrer does not teach or suggest a system that transmits a signal representative of "identities of individuals" as recited in claim 23.

For at least these reasons, claim 23 is allowable over Cannon in view of Horrer.

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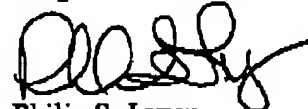
### CONCLUSION

In view of the above, Applicants believe all pending claims are in condition for allowance. Allowance of these claims is respectfully requested.

Any inquiry regarding this Amendment and Response should be directed to Philip S. Lyren at Telephone No. (832) 236-5529. In addition, all correspondence should continue to be directed to the following address:

Hewlett-Packard Company  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,



Philip S. Lyren  
Reg. No. 40,709  
Ph: 832-236-5529

#### CERTIFICATE UNDER 37 C.F.R. 1.8

The undersigned hereby certifies that this paper or papers, as described herein, is being transmitted to the United States Patent and Trademark Office facsimile number 571-273-8300 on this 19th day of May, 2006.

By

  
Name: Carrie McKerley